

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) AUS920000178US1
<p>I hereby certify that this correspondence is being transmitted via the EFS-Web System to the U.S. Patent and Trademark Office.</p> <p>on Jan. 22, 2007</p> <p>Signature _____ /David W. Victor/</p> <p>Typed or printed name _____ David W. Victor</p>		<p>Application Number 10/042,049</p> <p>Filed January 8, 2002</p> <p>First Named Inventor M.W. Brown et al.</p> <p>Art Unit 2153</p> <p>Examiner Philip J. Chea</p>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached five (5) sheet(s).

Note: No more than five (5) pages may be provided.

I am the

<input type="checkbox"/> applicant/inventor.	/David W. Victor/
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature David W. Victor Typed or printed name
<input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 39,867	310-556-7983 Telephone number
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Jan. 22, 2007 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

<input type="checkbox"/>	*Total of _____ forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): M.W. Brown et al. Examiner Philip J. Chea
Serial No. 10/042,049 Group Art Unit 2153
Filed January 8, 2002 Docket No. AUS920000718US1
TITLE METHOD, SYSTEM, AND PROGRAM FOR PROVIDING
INFORMATION ON SCHEDULED EVENTS TO WIRELESS DEVICES

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted via the EFS-Web system to Examiner the U.S. Patent and Trademark Office on January 22, 2007.

/David Victor/

David W. Victor

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

Applicants request review of the Examiner's rejection of claims 1-3, 5-11, 13-17, 20-25, 27-29, 32-35, 37-43, 45-49, and 52 as anticipated (35 U.S.C. §102(e)) by Berenson (U.S. Patent Pub. No. 2001/0049617) in the Final Office Action dated September 21, 2006 ("FOA").

With respect to claims 1, 21, and 33, the Examiner cited paras. [0027] and [0029] of Berenson as disclosing the claim requirements of a wireless device receiving a code provided with a promotion of a promoted event sponsored by a third party entity and that the received code is provided from a source external to a server to which the received code is transmitted. (FOA, pg. 2).

The cited para. [0027] mentions that a user may request event messages by requesting a reminder for a particular broadcast program by following a link from the public events schedule or by entering the particular event in a search request query. The event message requests from either method are stored in the user database, and are sent at an appropriate time.

The cited para. [0029] mentions that criteria requests are handled by the system or calendaring system providing the reminders for events. The user described searches having criteria are used to generate reminders for events stored in the system. At the appropriate time, defined by the calendaring system, the reminder for the event is sent to the user in an event message.

Applicants submit that a user entering search requests at a calendaring system for the purposes of receiving event reminders as discussed in the cited paras. [0027] and [0029] does not disclose the combination of claim requirements that a wireless device receive a code provided with the promotion of a promoted event from a source external to the server, and then transmit that code to the server having the calendar database. A user entering a search criteria does not

disclose a wireless device receiving a code provided with the promotion of a promoted event from a source external to the server or calendaring system as claimed.

Applicants further request review of the Examiner's finding at point (A) in the Response to Arguments that the limitation requiring a code is not specific enough to overcome the prior art rejection and that the format of the code is not clear. (FOA, pg. 8)

Applicants submit that the claims are clear about the nature of the code -- a code provided with a promotion of a promoted event; the origin of the code -- from a source external to the server, and the use of the code -- to cause the server to provide the user a scheduled event record on the promoted event associated with the code in response to the wireless device receiving the code and transmitting said code to the server. Applicants submit that these claimed code requirements are clear and distinguish the claims from the cited Berenson.

Applicants further request review of the Examiner finding that the cited the hyperlink text in para. [0021] of Berenson discloses the claimed code. (FOA, pg. 8) The cited para. [0021] mentions that a user may access a web site, enter some personal information, and then select a hypertext link to select a particular television program on a television grid. Nowhere does this cited para. [0021] anywhere disclose or mention the claim requirements that a wireless device receive a code provided with the promotion of a promoted event from a source external to the server, and then transmit that code to the server having the calendar database. Instead, the cited para. [0021] discusses how a user may select a hypertext link of a program on a television program web site to obtain more information on the program.

The Examiner further found that para. [0020] of Berenson discloses promoted events. (FOA, pgs. 8-9) The cited para. [0020] mentions that the embodiment of an event schedule is applicable to other events and venues, such as private events, artistic events, etc. Applicants submit that this aspect of Berenson does not concern the distinguishing claim requirements, which do not claim a specific type of promoted event, e.g., artistic, sporting, campus, etc. Nowhere does this cited para. [0020] anywhere disclose or mention the combination of claim requirements that a wireless device receive a code provided with the promotion of a promoted event from a source external to the server, and then transmit that code to the server having the calendar database.

Applicants further request review of the Examiner's finding at point (C) in the Response to Arguments that paras. [0020] and [0021] of Berenson disclose that the received code is

provided from a source external to the server. (FOA, pg. 9) The cited para. [0020] discusses that the embodiments concern providing event schedules for many different types of events (e.g., sporting, artistic, private, etc.), but does not disclose the source of the code for a promoted event. The cited para. [0021] discusses how the user may obtain information on scheduled events by going to the web site for an event's listing. Nowhere do these cited paragraphs anywhere disclose the combination of requirements that a wireless device receive a code provided with the promotion of a promoted event from a source external to the server, and then transmit that code to the server having the calendar database.

In fact, the cited para. [0021] teaches away from the external source requirement because the cited para. [0021] discusses how the user may obtain information from the server or event listing service of the calendaring system itself, and not from a source external to the server maintaining the information on scheduled events as claimed.

Applicants further request review of the Examiner's finding that the cited para. [0029] discloses the claim requirement that the server maintains an association of promoted event codes, transmitted from a source external to the wireless device, with third party entities sponsoring the promoted events. (FOA, pg. 3)

As discussed, the cited para. [0029] mentions that a user enters a search for events that are put in a list of personal searches for a user that are used to generate reminders for events. Nowhere does the cited para. [0029] disclose the claim requirement that the server maintains an association of promoted event codes, transmitted from an external source to a wireless device, with the third party entities sponsoring the promoted events.

With respect to claims 3 and 35, Applicants request review of the Examiner's finding that para. [0045] of Berenson discloses that the code is transmitted to the wireless device via a wireless transmission medium. (FOA, pg. 3)

The cited para. [0045] discusses how the user receives event messages, such as via phone, PDA, wireless device, etc. Nowhere does the cited para. [0045] anywhere disclose that a code provided with promotion of a promoted event is transmitted to the wireless device via a wireless transmission media and from a source external to the server, where the wireless device transmits the code to the server. Instead, the cited para. [0045] discusses how the user may receive event notifications, not how the user provides a calendar server with codes provided with the promotion of a promoted event.

With respect to claims 5, 22, and 37, which depend from claims 1, 21, and 33, Applicants request review of the Examiner's finding that para. [0024] of Berenson discloses the claim requirements that information on the scheduled event record is displayed with the calendar information at the wireless device as a non-committed event. (FOA, pg. 3)

The cited para. [0024] mentions that the user may request that the calendaring system remind the user when a certain program is to be broadcast or even to schedule the broadcast of the program into the user's electronic calendar. The user may also request that the calendaring system notify the viewer programs matching certain user selected event criteria are scheduled to be broadcast. The event criteria may have different criteria.

Nowhere does the cited para. [0024] anywhere disclose or mention that the event record is displayed with calendar information as a non-committed event. The cited para. [0024] nowhere discloses or mentions displaying events as non-committed. Instead, the cited para. [0024] discusses how the user may view programs matching the selected criteria.

With respect to claims 7 and 39, Applicants request review of the Examiner's finding that paras. [0027] and [0029] on pg. 2 of Berenson discloses the claim requirements that receiving the code further comprises receiving a plurality of codes associated with promoted events sponsored by at least one third party entity, wherein transmitting the code to the server comprises transmitting the plurality of codes, wherein receiving the scheduled event record from the server further comprises receiving one scheduled event record for each transmitted code, and wherein rendering calendar information at the wireless device including information on the scheduled event comprises rendering information on scheduled events for the received scheduled event records. (FOA, pg. 3).

The cited para. [0029] mentions that a user describes a search that may be put into a list of personal searches stored by the user database, which are used to generate reminders for events stored in the system, and at the appropriate time the reminder is sent to the user in an event message. Nowhere does the cited para. [0029] anywhere disclose or mention that a wireless devices receives a plurality of codes associated with promoted events from a source external to the server, and then transmits those codes to the server. Instead, the cited para. [0029] discusses how the user may enter personal searches into a list in a calendar server used to generate reminders for events.

Applicants request review of the rejection of independent claims 8, 23, and 40 because these include many of the requirements of claims 1, 21, and 31, which distinguish over the art for the reasons discussed above.

Applicants request review of the rejection of independent claims 13, 27, and 45 by Berenson. (FOA, pg. 4) Applicants submit that the cited Berenson nowhere discloses the claim requirements that a wireless device receives a scheduled event record including information on a scheduled event transmitted from a transmitter system for a promoted event sponsored by a third party entity, rendering information on the event at the wireless device, and then transmitting the scheduled event record to a server to store the transmitted scheduled event record for the promoted event with the calendar database records for the user of the wireless device.

The cited Berenson discusses how a user may select a scheduled event at a server (via a search criteria or hypertext link) for which to receive a reminder. The Examiner has not cited any part of Berenson that discloses that a wireless device receives a scheduled event record from a transmitter system for a promoted event, renders information at the wireless device on the event, and then transmits the event to the server to store in the calendar database for the user. In other words, the Examiner has not cited any part of Berenson that discloses how the server or calendar system of Berenson receives scheduled events for a user from a wireless device for the user, that are received from a transmitter system for a promoted event.

Applicants request review of the rejection of claims 14-16, 28, and 46-48, which depend from claims 13, 27, and 45 because these claims provide further details on how the wireless device handles the scheduled events received from the transmitter system for a promoted event and renders and transmits the scheduled events.

Dated: January 22, 2007

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